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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

VIOLETTE MANSOOR,	) Case No.: 08 CV 0828 JM RBB
Plaintiff,	)
vs.	) <b>NOTICE OF MOTION AND MOTION</b>
AIR FRANCE KLM AIRLINES,	) <b>TO DISMISS FOR FAILURE TO</b>
Defendant..	) <b>STATE A CLAIM UPON WHICH</b>
	) <b>RELIEF CAN BE GRANTED (FRCP</b>
	) <b>12(b)6)</b>
	) Judge: Hon. Jeffrey T. Miller
	) Magistrate: Judge Ruben B. Brooks
	)
	) Date: September 5, 2008
	) Time: 1:30 p.m.
	) Courtroom: 16

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 5, 2008, at 1:30 p.m., or as soon thereafter as the matter may be heard in the above entitled Court, located at 940 Front Street, San Diego, California 92101-8900, defendant Air France KLM Airlines ("Air France") will move the Court to dismiss the action pursuant to Fed. R. Civ. P. 12(b)(6) because plaintiff's complaint fails to state a claim upon which relief can be granted, on the grounds that no liability can arise under the governing Montreal Convention except as a result of an unexpected or unusual event or happening that is external to the passenger, and because trips and falls on an aircraft, even when over objects in the aisles, are not deemed to be unexpected or unusual events within the meaning of the Montreal Convention,

1 The motion will be based on thus Notice of Motion and Motion, the Memorandum of Points  
2 and Authorities filed herewith, and the pleadings and papers filed herein.

3 DATED: July 28, 2008

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5 COZEN O'CONNOR

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7 By:   
8 CHRISTOPHER KENDE  
9 Attorneys for AIR FRANCE KLM AIRLINES  
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